

4. The Respondent, Tricore Reference Laboratories (“TriCore”), is an employer doing business in the State of New Mexico.

5. On April 28, 2015, pursuant to its authority under 29 U.S.C. § 161 (incorporated in Section 710 of Title VII, 42 U.S.C. § 2000e-9)¹, the EEOC issued to the Respondent Subpoena No. PHX-15-32, which was duly served on the Respondent.

6. Subpoena No. PHX-15-32 required the Respondent to produce information needed as part of the EEOC’s investigation of a charge of unlawful employment practices, Charge No. 543-2012-01161, which has been filed against the Respondent.

7. On May 7, 2015, the Respondent filed a petition to revoke the Subpoena.

8. On September 18, 2015, having thoroughly analyzed Respondent’s petition, the Commission determined that the respondent’s objections were without merit and directed Respondent to provide the Commission with complete responses to the subpoena requests within twenty (20) days of the determination.

9. The Respondent has refused to comply with Subpoena No. PHX-15-32 and the Commission’s Determination.

10. Respondent’s failure to comply with the Subpoena has delayed and hampered the EEOC’s investigation.

11. The accompanying Declaration of Derick Newton, Area Director, filed concurrently herewith, and the attachments thereto, provide the factual support for this

¹ Section 701 of Title VII also applies to investigations pursuant to the ADA as indicated in Section 107 of the ADA, 42.U.S.C. § 12117(a).

Application. The Declaration and the attachments are incorporated by reference into this Application.

WHEREFORE, the Equal Employment Opportunity Commission prays:

a) That the Court issue an Order directing the Respondent to appear before this Court and to show cause, if there be any, why an Order should not issue directing the Respondent to comply with the subpoena;

b) That, upon return of the Order to Show Cause, an Order issue directing the Respondent to comply with the subpoena; and

c) That the Equal Employment Opportunity Commission be granted its costs and such further relief as may be necessary and appropriate.

RESPECTFULLY SUBMITTED this 30th day of November, 2015.

MARY JO O'NEILL
Regional Attorney

RITA BYRNES KITTLE
Supervisory Trial Attorney

/s/ Loretta Medina
LORETTA MEDINA
Senior Trial Attorney

Equal Employment Opportunity
Commission, Albuquerque Area Office
505 Marquette Avenue, NW
Suite 900 - 9th Floor
Albuquerque, NM 87102
(505) 248-5230
loretta.medina@eeoc.gov

Attorneys for Plaintiff